

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:22-CR-51
(KLEEH)

FOTIOS GEAS,
PAUL DECOLOGERO, and
SEAN MCKINNON,

Defendants.

SCHEDULING ORDER ON SUPERSEDING INDICTMENT

On February 8, 2023, the parties submitted a joint proposed pretrial schedule in this matter [ECF No. 111]. The following day, the Court convened a status conference to discuss the schedule. For the reasons discussed in the proposed schedule and during the status conference, the Court hereby **ORDERS** that the following dates and deadlines shall govern the case moving forward:

Trial

Type of Motion	Motion Filing Deadline	Response Filing Deadline	Reply Filing Deadline
Conference Between the Parties Regarding Discovery Issues	April 3, 2023		
Fed. R. Crim. P. 12(b)(3)(E) ; Initial Motions for Discovery	May 1, 2023	30 days after filing and service	21 days after filing and service of Response

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Fed. R. Crim. P. 12(b)(3)(A) and (B)	August 1, 2023	30 days after filing and service	21 days after filing and service of Response
Motions to Suppress and/or for Severance; Fed. R. Crim. P. 12(b)(3)(C)(D); 18 U.S.C. § 3501	October 2, 2023	30 days after filing and service	21 days after filing and service of Response
Government Notices Regarding Experts and Production of Expert Reports	June 5, 2024	See motions re: experts below	See motions re: experts below
Defense Notices Regarding Experts, Fed. R. Crim. P. 12.2, <u>Atkins v. Virginia</u> Notices and Production of Expert Reports	September 3, 2024	See motions re: experts below	See motions re: experts below
Notice of Rebuttal Experts Shall be Due Within 30 Days After Determination of the Admissibility of Expert Testimony			
Motions re: Experts (<u>Daubert</u>, Sufficiency of Disclosures, etc.)	60 days following disclosure	30 days after filing and service	21 days after filing and service of Response

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Defense Motions re: Confidential Access to Items of Forensic Evidence for Defense Testing (Defense Will Confer with Government Prior to Filing Any Such Motion)	60 days following government's expert disclosures	30 days after filing and service	21 days after filing and service of response
Notices re: Fed. R. Evid. 404(b), 609(a)(1) and Supplemental Motions for Discovery and/or Suppression	August 5, 2024	30 days after filing and service	21 days after filing and service of Response
Motions in Limine	October 3, 2024	21 days after filing and service	14 days after filing and service of Response
Witness and Exhibit Lists	November 1, 2024		
Pretrial Conference	November 7, 2024 (10:00 a.m.)		
Trial	December 2, 2024 (9:30 a.m.)		

Penalty Phase

All Supplemental Motions for Discovery re: Penalty Phase	December 1, 2023	30 days after filing and service	21 days after filing and service of Response
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Motions to Strike/Dismiss	February 1, 2024	30 days after filing and service	21 days after filing and service of Response
Constitutional Challenges to Capital Punishment	February 1, 2024	30 days after filing and service	21 days after filing and service of Response
Motions re: Penalty Phase Procedures, Trifurcation, Setting Deadlines for Penalty Phase Witness Lists, Exhibit Lists, Jury Instructions, Etc.	May 1, 2024	30 days after filing and service	21 days after filing and service of Response
Evidentiary Motions re: Penalty Phase	July 1, 2024	30 days after filing and service	21 days after filing and service of Response

Jury Selection and Jury Voir Dire

Motions re: Jury Selection Procedures and for Discovery of Jury Records	June 5, 2024	30 days after filing and service	21 days after filing and service of Response
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Motions re: Challenging Petit Jury (Deadline Assumes Production of Requested Jury Records Not Later than 120 Days Prior to Trial)	30 days after receipt of requested jury records	30 days after filing and service	21 days after filing and service of response
Proposed Jury Questionnaire (Parties to Confer and Submit a Joint Questionnaire with Disputed Aspects of the Questionnaire Noted)	September 3, 2024		

Jury Instructions

Submission of Proposed Jury Instructions (Parties to Confer and Submit to the Court a Joint Proposal for Guilt Phase Jury Instructions, Including Objections and Alternative Instructions Requested by Either Party)	August 5, 2024		
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In scheduling the trial, the Court incorporates all of the findings related to the Speedy Trial Act that were included in its *Order Granting Joint Motion to Continue and to Vacate All Currently Established Deadlines and Settings* [ECF No. 63].

It is so **ORDERED**.

The Clerk is **DIRECTED** to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: February 14, 2023



THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA